

AMENDED IN SENATE MARCH 21, 2011

SENATE BILL

No. 484

Introduced by Senator Rubio

February 17, 2011

An act to amend Section 6254.14 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 484, as amended, Rubio. Public records: health care services contract records.

The Public Records Act provides that records of the Department of Corrections and Rehabilitation that relate to health care services contract negotiations, and that reveal the deliberative processes, discussions, communications, or other portion of the negotiations, are not subject to disclosure until one year after the contract is fully executed, except that the portion of a contract that contains the rates of payment is not open to inspection until 3 years after a contract or amendment is fully executed. The entire contract or amendment is immediately open to inspection by the Joint Legislative Audit Committee and the Bureau of State Audits, subject to specified conditions.

The act also exempts from disclosure under its provisions, records the disclosure of which is exempted or prohibited under provisions of the Evidence Code relating to privilege.

This bill would include the Legislative Analyst's Office and Members of the Legislature among those entities authorized to inspect the entire contract or amendment, subject to those specified conditions, ~~and make a clarifying change~~. It would specify that this authorization applies notwithstanding a provision of the Evidence Code permitting an owner of a trade secret to invoke a privilege against disclosure of that secret.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6254.14 of the Government Code is
2 amended to read:
3 6254.14. (a) (1) Except as provided in Sections 6254 and
4 6254.7, nothing in this chapter shall be construed to require
5 disclosure of records of the Department of Corrections and
6 Rehabilitation that relate to health care services contract
7 negotiations, and that reveal the deliberative processes, discussions,
8 communications, or any other portion of the negotiations,
9 including, but not limited to, records related to those negotiations
10 such as meeting minutes, research, work product, theories, or
11 strategy of the department, or its staff, or members of the California
12 Medical Assistance Commission, or its staff, who act in
13 consultation with, or on behalf of, the department.
14 (2) Except for the portion of a contract that contains the rates
15 of payment, contracts for health services entered into by the
16 Department of Corrections and Rehabilitation or the California
17 Medical Assistance Commission on or after July 1, 1993, shall be
18 open to inspection one year after they are fully executed. In the
19 event that a contract for health services that is entered into prior
20 to July 1, 1993, is amended on or after July 1, 1993, the
21 amendment, except for any portion containing rates of payment,
22 shall be open to inspection one year after it is fully executed.
23 (3) Three years after a contract or amendment is open to
24 inspection under this subdivision, the portion of the contract or
25 amendment containing the rates of payment shall be open to
26 inspection.
27 (4) (A) Notwithstanding any other provision of law, including,
28 but not limited to, Section 1060 of the Evidence Code, the entire
29 contract or amendment shall be open to inspection by the Joint
30 Legislative Audit Committee, the Bureau of State Audits, the
31 Legislative Analyst's Office, and a Member of the Legislature,
32 ~~when the contract or amendment has been fully executed. The~~
33 ~~Joint Legislature. The Joint~~ Legislative Audit Committee, the
34 Bureau of State Audits, the Legislative Analyst's Office, and the
35 Member of the Legislature shall maintain the confidentiality of

1 the contracts and amendments until the contract or amendment is
2 fully open to inspection by the public.

3 (B) A request for information described in this section made by
4 a Member of the Legislature to the Bureau of State Audits shall
5 be deemed a request for inspection by that Member pursuant to
6 this paragraph.

7 (5) It is the intent of the Legislature that confidentiality of health
8 care provider contracts, and of the contracting process as provided
9 in this subdivision, is intended to protect the competitive nature
10 of the negotiation process, and shall not affect public access to
11 other information relating to the delivery of health care services.

12 (b) The inspection authority and confidentiality requirements
13 established in subdivisions (q), (v), and (y) of Section 6254 for
14 the Legislative Audit Committee shall also apply to the Bureau of
15 State Audits, the Legislative Analyst's Office, and Members of
16 the Legislature.